

Town Board Minutes

**Meeting
No. 38**

Regular Meeting

December 1, 1997

MEETINGS TO DATE 38
NO. OF REGULARS 23
NO. OF SPECIALS 15

Page 763
LANCASTER, NEW YORK
DECEMBER 1, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 1st day of December 1997 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 10:25 P.M. to deliberate in Executive Session for the announced purpose of contractual matters concerning the Police Department.

At 11:45 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matters:

- Dumping of materials at 4129 Walden Avenue.
- Senior Van Service effective 1/1/98.

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Response times of the LVAC to emergency calls.

Guenther, James, 562 Pavement Road, spoke to the Town Board on the following matter:

- Commented on prefiled resolution number 6.

Gull, Henry, 710 Pavement, spoke to the Town Board on the following matters:

- Commented on prefiled resolution number 6.
- Asked that Chief Fowler be present at the next Town Board meeting to address his concerns.

Fliss, Danny, President of the LVAC, spoke to the Town Board on the following matter:

- LVAC response times.

Matthews, Shelly, 14 Oakwood Avenue, spoke to the Town Board on the following matter:

- LVAC service to Town taxpayers.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matter:

- Conditions on rezone resolutions.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Commented on prefiled resolution numbers 1 and 13.
- Dumping in connection with building permits.
- Pre-numbering of dumping permits.
- Cost of FOIL copies.

Rago, Art, 37 Hemlock Lane, spoke to the Town Board on the following matters:

- The refuse tipping fee paid by the Town of Lancaster in comparison to the fee paid by other municipalities.
- The proposed 1998 tax increase for Town outside Village as compared to no tax increase for Villages.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 1997 entitled "Veteran's Disability Compensation" and designated as Chapter 10 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

None

COMMENTS & QUESTIONS

Gloria Kubicki

ADDRESS

15 Maple Drive

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:40 P.M.

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 1997 entitled "Condominium Conversion" and designated as Chapter 10 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

None

COMMENTS & QUESTIONS**ADDRESS**

Page 765

Gloria Kubicki

15 Maple Drive

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:50 P.M.

PUBLIC HEARING SCHEDULED FOR 9:00 P.M.:

At 9:00 P.M., the Town Board held a Public Hearing to consider the increase and improvement of facilities of Sewer District No. 2 and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation there as may be required by law.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS**OPPONENTS**

None

None

COMMENTS & QUESTIONS**ADDRESS**

Donald Symer

610 Columbia Avenue

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:10 P.M.

PUBLIC HEARING SCHEDULED FOR 9:10 P.M.:

At 9:10 P.M., the Town Board held a Public Hearing to hear all interested persons for or against a three year contract to be entered into between the Bowmansville Volunteer Fire Association, Inc. and the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENT**OPPONENTS**

Douglas Grimmer, President
Bowmansville VFA

None

COMMENTS & QUESTIONS

None

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:15 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter. Page 766

PUBLIC HEARING SCHEDULED FOR 9:20 P.M.:

At 9:20 P.M., the Town Board held a Public Hearing to hear all interested persons for or against a three year contract to be entered into between the Millgrove Volunteer Fire Department, Inc. and the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENT	OPPONENTS
Albert Lipke, President Millgrove VFD	None
COMMENTS & QUESTIONS	ADDRESS
Fred Hammer	240 Ransom Road

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:25 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PUBLIC HEARING SCHEDULED FOR 9:30 P.M.:

At 9:30 P.M., the Town Board held a Public Hearing to hear all interested persons for or against a three year contract to be entered into between the Town Line Volunteer Fire Department, Inc. and the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENT	OPPONENTS
Larry Blair, Chief Town Line VFD	None
COMMENTS & QUESTIONS	
None	

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter. Page 767

PUBLIC HEARING SCHEDULED FOR 9:40 P.M.:

At 9:40 P.M., the Town Board held a Public Hearing to hear all interested persons for or against a three year contract to be entered into between the Twin District Volunteer Fire Company, Inc. and the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENT

Steve Rozler, Chief
Twin District VFC

OPPONENTS

None

COMMENTS & QUESTIONS

None

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:45 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR TO WIT:

RESOLVED, that the minutes from Joint Meeting of the Town Board and the
Planning Board held on November 17, 1997, and the Regular Meeting of the Town Board held
on November 17, 1997, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

WHEREAS, Depew Development, Inc., 4429 Walden Avenue, Lancaster, New York, has applied for a Dumping Permit for property situated at 4429 Walden Avenue, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Depew Development, Inc., 4429 Walden Avenue, Lancaster, New York be and is+ hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 4429 Walden Avenue, Lancaster, New York 14086, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should also be aware that if he intends to build on any filled area, bore samples along with a structural engineer's report will be required prior to the issuance of a building permit.
3. Topsoil and seed all areas not intended for building or parking.
4. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
5. Mud from truck tires shall be cleaned off the road at the completion of operations for that day and more frequently if deemed necessary. The Town of Lancaster police shall stop operation immediately upon complaint of dirty road.
6. Existing drainage through the site shall be maintained.
7. Dumping will be allowed between the hours of 7 A.M. and 5 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.
8. Dust from the site shall also be prevented from migrating off site.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution**.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated November 17, 1997, has requested the addition of the following members to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department, of the following individuals:

ADDITIONS:

Richard D'Arcy 208 Ransom Road Lancaster, New York 14086	Richard Kalczynski 25 Holland Aven Lancaster, New York 14086
Glenn Kasprzyk 1769 Town Line Road Lancaster, New York 14086	David Kedzierski 687 Ransom Road Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, M. A. Tufillaro Builders, Inc., P.O. Box 1275, Williamsville, New York, 14231, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Queens Park, Subdivision, Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Queens Park Subdivision, Phase II, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 476 - Street Lights

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of a bill of sale to the improvements for the property conveyed to the Town of Lancaster.
2. **Receipt by the Town Clerk**, within 60 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvement accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

File RPP(P10-11)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

WHEREAS, funds have been provided in the current 1998 General Town Budget for the 1998 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That sealed bids be received by the Town Clerk up to 10:30 A.M., Local Time, on December 16, 1997 for meeting the requirements of the Town of Lancaster's 1998 Tree Planting Program and for supplying of trees in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

LEGAL NOTICE

**TOWN OF LANCASTER
NOTICE TO BIDDERS
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk up to 10:30 A.M., Local Time, on December 16, 1997 at his office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 1998 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

December 1, 1997

File: RHOTREES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has been offered a real property donation by Bella Vista Group, Inc., namely, the buffer area at the Flix Theater Complex on William Street in the Town of Lancaster, said buffer area having been established and dedicated as a preservation area as part of the site plan approval for this development, and

WHEREAS, the Town Board has reviewed the offer of the gift of real property and after due consideration, determined it to be in the public interest to accept this offer so that the Town can assure in perpetuity that this area, as hereinafter described, remains a preservation area which will not be developed;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the offer of gift and dedication of real property made by Bella Vista Group, Inc., which is the buffer area running north/south on the east side of the Flix Theater Development parking lot but excluding the fence situate on the top of the berm, and which is more specifically described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York being part of Lot 95, Township 10, Range 6 of the Buffalo Creek Reservation, and more particularly described as follows:

COMMENCING at the point of intersection of the south line of William Street (50 feet wide) with the centerline of Transit Road, also being the west line of Lot 95;

THENCE, N 88° 33' 42"E along the south line of William Street a distance of 622.90 feet to a point;

THENCE, N 88° 30' 00" E along the south line of William Street a distance of 225.17 feet to a point;

THENCE, south 00° 00' 00" W parallel with the west line of Lot 95, a distance of 150.0 feet to a point;

THENCE, N 88° 30' 00" E parallel with the south line of William Street, a distance of 169.48 feet to a point;

THENCE, S 00° 00' 00" W parallel with the west line of Lot 95, a distance of 100.00 feet to a point;

THENCE, N 88° 30' 00" E a distance of 24.97 feet to the POINT OF BEGINNING;

THENCE, S 00° 00' 00" W a distance of 648.12 feet to a point;

THENCE, N 90° 00' 00" E a distance of 75.00 feet to a point on the east line of lands formerly conveyed by Jacob Rogacki and Marion K. Rogacki, his wife, by deed recorded in the Erie County Clerk's Office in Liber 3356 of Deeds at Page 172;

THENCE, N 00° 00' 00" W along the east line of lands so conveyed to Rogacki and wife, a distance of 650.08 feet to a point;

THENCE, S 88° 30' 00" W parallel with the south line of William Street a distance of 75.03 feet to the point and place of beginning.

Containing 1.12 more or less acres, excluding the fence.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

File: rbvagft

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, BOWMANSVILLE VOLUNTEER FIRE ASSOCIATION, INC.,
MILLGROVE VOLUNTEER FIRE DEPARTMENT, INC.; TOWN LINE VOLUNTEER FIRE
DEPARTMENT, INC., and TWIN DISTRICT VOLUNTEER FIRE COMPANY, INC., have
heretofore entered into contracts with the Town of Lancaster to furnish fire protection to the
Town of Lancaster, and

WHEREAS, separate hearings on each fire protection contract for the above
fire companies were held on the 1st day of December, 1997, pursuant to legal notice duly given;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That in accordance with Section 184 of the Town Law of the State of
New York, the Town Board of the Town of Lancaster hereby determines it is in the public
interest to enter into contracts with said fire companies, effective January 1, 1998, upon the
following general terms, to wit:
 - A. Each fire company shall answer and attend upon all calls within the
Fire Protection District, and provide emergency first aid and rescue
services as defined in Section 184 of the Town Law and Section 209-b
of the General Municipal Law, in that territory described in said
proposed contract filed in the Town Clerk's Office.
 - B. For such services, the said fire company shall receive payment for three
(3) years commencing January 1, 1998 and terminating December 31,
2000.
 - C. Such other incidental terms as may be necessary or proper in connection
with such contracting.
2. That the Supervisor execute and deliver an Agreement incorporating said
terms to said fire companies.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

File: ragfire

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK. WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, UNITED SILICONE, INC., 4471 Walden Avenue, P.O. Box 265, Lancaster, New York, has requested that it be permitted to place footers and foundation for a proposed addition to its facility at 4471 Walden Avenue, on a conditional building permit prior to full site plan approval which is in process, and

WHEREAS, United Silicone, Inc. has provided the Town of Lancaster a written memorandum indemnifying the town of Lancaster from any claim by United Silicone, Inc. in the event that site plan is not finally approved and full building permit issued, and

WHEREAS, the Town Board, after due review and consideration has determined that the issuance of a conditional building permit for the limited purpose of placing footers and foundations while the SEQR review and site plan review is in process is acceptable based upon the memorandum of indemnification provided to the Town;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the issuance of a conditional building permit for the limited purpose of placing footers and foundation to United Silicone, Inc., 4471 Walden Avenue, Lancaster, New York, upon the express representation as received that United Silicone, Inc. indemnifies the Town of Lancaster against any claim by United Silicone, Inc. in the event the final site plan/building permit is not approved by the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

File: runsilen

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

A regular meeting of the Town Board
of the Town of Lancaster, in the
County of Erie, New York, was held
at the Town Hall, in said Town, on
the 1st day of December, 1997.

PRESENT:

Hon. Robert H. Giza, Supervisor	Robert H. Giza
Councilperson	Donald E. Kwak
Councilperson	John T. Miller
Councilperson	Mark A. Montour
Councilperson	Donna G. Stempniak
Councilperson	
Councilperson	

In the Matter
of the

Increase and Improvement of Facilities of
Sewer District No. 2, in the Town of
Lancaster, in the County of Erie, New York,
pursuant to Section 202-b of the Town Law.

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Lancaster (herein
called "Town Board" and "Town", respectively), in the County of
Erie, New York, on behalf of the Sewer District No. 2 (herein
called "District"), in the Town, has requested an engineer duly
licensed by the State of New York (herein called "Engineer"), to
prepare a preliminary map, plan and report for the increase and
improvement of facilities of the District, consisting of the
removal and replacement of a fuel storage tank at the Iroquois
Pump Station in order to conform with existing EPA standards; the
foregoing to include such other necessary appurtenances and

sitework required in connection with the improvement herein; for a maximum cost to the District not to exceed \$32,500; and

WHEREAS, the Engineer completed such map, plan and report and estimate of cost and filed same with the Town Board, the Town Board thereafter adopted an order describing in general terms the proposed increase and improvement of the facilities, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities on December 1, 1997 at 9:00 o'clock P.M. (Prevailing Time) at the Town Hall, 21 Central Avenue, Lancaster, New York, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 1st day of December, 1997 at 9:00 o'clock P.M. (Prevailing Time) at the Town Hall, 21 Central Avenue, Lancaster, New York, in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, the duly processed negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to, at the estimated maximum cost of not to exceed \$32,500; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$32,500 serial bonds of the Town, and the costs of

said facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: December 1, 1997

TOWN BOARD OF THE TOWN OF LANCASTER

(SEAL)

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR .TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED DECEMBER 1, 1997, APPROPRIATING \$32,500 FOR
THE INCREASE AND IMPROVEMENT OF FACILITIES OF SEWER
DISTRICT NO. 2, IN SAID TOWN, AND AUTHORIZING THE
ISSUANCE OF \$32,500 SERIAL BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

Recital

WHEREAS, following preparation of a map, plan and report
for the increase and improvement of facilities of Sewer District
No. 2 (herein called "District"), in the Town of Lancaster
(herein called "Town"), in the County of Erie, New York,
consisting of the removal and replacement of a fuel storage tank
at the Iroquois Pump Station in order to conform with existing
EPA standards; the foregoing to include such other necessary
appurtenances and sitework required in connection with the
improvement herein; and after a public hearing duly called and
held, the Town Board of the Town determined that it is in the
public interest to increase and improve the facilities of the
District, and ordered that such facilities be increased and
improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN
THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less
than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$32,500 for the increase and improvement of facilities of the District, as referred to herein, all in accordance with the map, plan and report prepared by an engineer duly licensed by the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$32,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$32,500 serial bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$32,500 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which said \$32,500 bonds authorized by this

resolution are to be issued, within the limitations of Section 11.00 a. 88. of the Law, is ten (10) years; however, said bonds and any bond anticipation notes issued in anticipation of the sale thereof shall mature no later than five (5) years from the date of the original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be

made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK TO WIT:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN
THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby directed to publish
the foregoing bond resolution, in summary, in the "LANCASTER
BEE," a newspaper having a general circulation in said Town,
which newspaper is hereby designated as the official newspaper of
the Town for such publication, together with the Town Clerk's
statutory notice in the form prescribed by Section 81.00 of the
Local Finance Law of the State of New York.

Section 2. This resolution shall take effect
immediately.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED ITS
ADOPTION , SECONDED BY COUNCIL
MEMBER KWAK TO WIT:

Page 790

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 17063 to Claim No. 17254 Inclusive

Total amount hereby authorized to be paid: **\$841,392.97**

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK . WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MILLER , TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4652	427 Mill St Incorporated	45 Hidden Tr	Alt. Sin. Dwlg
4653	Mays Tree Service	373 Cemetery Rd	Er. Warehouse
4654	Santoro Signs	4437 Walden Ave	Er. Sign
4655	Dennis McKillen	374 Westwood Rd	Alt. Sin. Dwlg
4656	Renaissance Homes II Inc	58 Creekwood Dr	Er. Sin. Dwlg
4657	Capretto Homes	9 Chapin Cir	Er. Sin. Dwlg
4658	Youngs Builders Inc	23 Partridge Wlk	Ext. Sin. Dwlg
4659	Christine Hoffman Martin	114 Stony Rd	Ext. Sin. Dwlg
4660	James Wnek	3857 Walden Ave	Er. Sign
4661	Albert Randaccio	8 Devonshire Ln	Er. Sin. Dwlg

and.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 1, 1997

File:Rbldg2

COMMUNICATIONS:

Page 793


- 772. Building Inspector to Town Board -
Planning Board agenda for meeting of 11/19/97. DISPOSITION: Received and Filed
- 773. Building Inspector to Town Clerk -
Transmittal of letter from Paul Anthony Design Inc. requesting a total refund on Building Permit No. 4532. DISPOSITION: Town Clerk
- 774. Town Line VFD to Town Clerk -
Advise ment of new members to roster. DISPOSITION: Received and Filed
- 775. Town Engineer and Building Inspector to Town Board -
Recommend issuance of dumping permit, with conditions, for Depew Development, Inc.
DISPOSITION: Received and Filed
- 776. Town Engineer to Town Board -
Recommend acceptance of street lighting public improvement No. 476 within Queens Park Subdivision, Phase II. DISPOSITION: Received and Filed
- 777. Bella Vista Group, Inc. to Building Inspector -
Transmittal of legal description and site plan re: proposed land donation - Flix Theater - 4801 Transit Rd. DISPOSITION: Received and Filed
- 778. General Crew Chief to Town Board -
Notice that Senior Citizens Center has received donation of a Hyundai computer and monitor from Patrick Marrano. DISPOSITION: Received and Filed
- 779. Henry Doktor to Lancaster Senior Citizens Board of Directors -
Letter of thanks for being chosen senior volunteer for 1997. DISPOSITION: Received and Filed
- 780. Lancaster Senior Center Director to General Crew Chief -
Expression of thanks for expediting requests. DISPOSITION: Received and Filed
- 781. SECWC to Supervisor -
Request continuation of agreement. DISPOSITION: Received and Filed
- 782. Disaster Coordinator to Town Board -
Minutes from Safety Steering Committee meeting held 11/6/97. DISPOSITION: Received and Filed
- 783. NFTA to Supervisor -
Request commitment to keep bus stops and shelters in Town clear of snow. DISPOSITION: Received and Filed
- 784. Depew Dairy Queen Brazier to Supervisor -
Notice of opposition to proposed project to widen and rebuild Broadway. DISPOSITION: Received and Filed
- 785. Erie County Environmental Management Council to Supervisor -
Request for response to resolution calling on the Governor and the Public Service Commission to conduct the electric industry restructuring process in an open manner with full public participation so that certain objectives are met. DISPOSITION: Received and Filed
- 786. The Giallanza Corp. To Supervisor -
Comments with request for support re: proposed widening of Broadway. DISPOSITION: Received and Filed
- 787. Supervisor to Manitoba Corp. -
Response to letter re: traffic situation in vicinity of facility on Central Ave. DISPOSITION: Received and Filed
- 788. Federal Emergency Management Agency to McIntosh & McIntosh, P.C. -
Response to request for Letter for Map Revision to the Flood Insurance Study, Flood Insurance Rate Map and Flood Boundary and Floodway Map re: Forestream Village.
DISPOSITION: Received and Filed, Engineer
- 789. ECDPW to Supervisor, Highway Supt. and Police Chief -
Transmittal of list of names and phone numbers of persons to be contacted re: snow conditions and other emergencies affecting highways after normal working hours.
DISPOSITION: Received and Filed

790. Planning Board to Town Board -
Minutes from meeting held 11/19/97. DISPOSITION: Received and Filed
791. Planning Board to Town Board -
Recommend approval of United Silicone site plan for 4471 Walden Ave. DISPOSITION:
Received and Filed
792. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney -
Transmittal of variances for meeting to be held 12/11/97. DISPOSITION: Received and Filed
793. Timothy Pokrywczynski to Town Board -
Request re-appointment to position of Dog Control Assistant. DISPOSITION: Received and
Filed, Supervisor
794. Eric Oley to Town Board -
Request appointment to position of Dog Control Assistant. DISPOSITION: Received and
Filed, Supervisor
795. Erie County Clerk of the Legislature to Town Board -
Transmittal of resolution dedicating name of Como Park gazebo to Rich Marino Gazebo.
DISPOSITION: Received and Filed
796. Northwood Village Assoc., Inc. to Supervisor -
Comments re: one-way signs on Transit Blvd. and removal of berm and trees located in
middle of Transit Blvd. DISPOSITION: Received and Filed
797. UB Institute for Local Governance and Regional Growth to Supervisor -
Notification of seminars to be held re: "STAR" Program. DISPOSITION: Received and Filed
798. Lawley Service to Town Clerk -
Notification that summons re: Louis Tiburzi vs Town was forwarded to Coregis Insurance Co
for action. DISPOSITION: Received and Filed, Town Attorney
799. Mark & Dale's Apparel to Supervisor -
Prospectus as retailer of employees' work wear needs. DISPOSITION: Received and Filed
800. Depew Village Mayor to Media -
Release notifying public of public hearing to be held 12/1/97 at the Municipal Building re:
proposed widening of Broadway. DISPOSITION: Received and Filed
801. Town Clerk to Town Board -
Transmittal of draft of organizational resolutions for review and direction re: meeting to be
held 1/1/98. DISPOSITION: Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE
TOWN BOARD AND CARRIED, the meeting was adjourned at 11:45 P.M.

Signed



Robert P. Thill, Town Clerk